

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>In re: STEVE ZIMMER PAIGE, Debtor.</p> <p>SEARCH MARKET DIRECT, INC., and MAGNET MEDIA, INC.,</p> <p>Appellants,</p> <p>vs.</p> <p>GARY E. JUBBER, Trustee of the Bankruptcy Estate of Stephen Zimmer Paige, and CONSUMERINFO.COM,</p> <p>Appellees.</p>	<p>MEMORANDUM DECISION AND ORDER DENYING APPELLEES' MOTION TO STAY BRIEFING ON APPEAL PENDING RESOLUTION OF APPELLEES' MOTION TO DISMISS APPEAL FOR MOOTNESS</p> <p>Case No. 2:07-CV-822 TS</p> <p>Bankruptcy Case No. 05-34474</p>
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Appellees seek to stay or extend the briefing in this bankruptcy appeal pending determination of their recently filed Motion to Dismiss Appeal for Mootness. Appellants oppose the Motion.

Having considered the parties' positions, the Court finds that Appellees' briefing on the appeal should have been well underway before the present Motion was filed. Appellees filed their Motion to Dismiss on February 13, 2008, just two days before their February 15, 2008,¹ deadline for filing their appeal brief. On February 15, 2008, Appellees obtained a stipulated Order extending the time for filing their Brief to March 7, 2007.² In view of this timing, the Court finds there is little, if any, prejudice to Appellees in completing the appellate briefing process. Further, the Court notes that many of the issues on appeal were previously briefed in connection with the Motion to Stay Pending Appeal.³ Therefore, completing the briefing on appeal will not be burdensome. In contrast, there would be substantial prejudice to Appellants in delaying briefing on appeal because the passage of time increases the likelihood that the appeal of the unstayed order confirming the plan will become moot.

Of course, if Appellees are confident that their Motion to Dismiss will entirely resolve this appeal, they may submit this case on the basis of their briefing on that Motion, with appropriate citations to any of the matters already of record in this appeal. If Appellees require additional time to file their appellate brief, they may so move. It is therefore

¹See Docket No. 31 (Order Granting Second Extension of Time for the Filing of Briefs).

²Docket Nos. 44 and 45.


³See *e.g.*, Docket No. 12 (Joint Memorandum in Opposition to SMDI's Motion to Stay).

ORDERED that Appellees' Motion to Stay or Extend Briefing on Appeal Pending Resolution of Appellees' Motion to Dismiss Appeal for Mootness (Docket No. 39) is DENIED. It is further

ORDERED that Appellees' Emergency Motion to Expedite Briefing and Hearing on Appellees' Motion to Stay or Extend Briefing (Docket No. 47) is DENIED AS MOOT.

DATED March 5, 2008.

BY THE COURT:



TED STEWART
United States District Judge